

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:)	Bankr. No. 10-40708
)	Chapter 7
TESHOME FELEMA BEKUTO)	
SSN/ITIN xxx-xx-3445)	
)	
Debtor.)	
)	Adv. No. 10-
LEE ANN PIERCE, TRUSTEE)	
)	
Plaintiff)	COMPLAINT TO
)	REVOKE DISCHARGE
-vs-)	
)	
TESHOME FELEMA BEKUTO)	
)	
Defendant.)	

COMES NOW, Chapter 7 Trustee Lee Ann Pierce and for a complaint against the above-captioned Defendant, states and alleges as follows:

1.

Lee Ann Pierce is the duly qualified and acting Bankruptcy Trustee in the estate of Teshome Felema Bekuto.

2.

This Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§ 157 and 1334 and 11 U.S.C. § 727.

3.

This is a core proceeding within the meaning of 28 U.S.C. §157.

4.

This complaint is brought prior to closure of the case as required by 11 U.S.C. § 727(e)(2).

5.

Debtor-Defendant filed a Chapter 7 Bankruptcy on August 23, 2010.

5.

Debtor-Defendant was granted a discharge on April 4, 2011.

6.

On January 31, 2011, an Order Re: Trustee's Objection to Claimed Exemptions and Motion for Turnover was entered ordering Debtor-Defendant to turn over the sum of \$2,139.04 by making monthly payments in the amount of \$200.00 per month beginning March 1, 2011.

7.

It was also ordered that Debtor-Defendant was to turnover his 2010 federal income tax return. The Trustee-Plaintiff was to retain 235/365ths, less the \$1,200.00 claimed exempt, for the bankruptcy estate, and apply the exempt portion and the remaining 130/365ths toward the balance of \$2,139.04 still owed.

8.

The Trustee-Plaintiff has not received a copy of the Debtor-Defendant's 2010 federal tax return. The Trustee-Plaintiff was informed by the Internal Revenue Service that the refund was sent directly to the Debtor-Defendant in the amount of \$2,668.00.

9.

The Trustee-Plaintiff has not received payment from Debtor-Defendant for his 2010 federal tax refund.

10.

The Trustee has received five payments of \$200.00 each from Debtor-Defendant, for a total of \$1,000.000.

11.

Pursuant to 11 U.S.C. § 727(d)(3) Debtor-Defendant's discharge should be revoked for failure to obey a lawful order of the Court.

WHEREFORE, the Trustee-Plaintiff prays that the Court enter an order revoking Debtor-Defendant's discharge, granting judgment in favor of the Trustee-Plaintiff in the amount of \$1,657.04, plus \$250.00 for the filing fee, for attorney's fees and costs in this action, and for such other and further relief as the Court deems just and proper.

DATED this 20th day of July, 2011.

/s/ Lee Ann Pierce

Lee Ann Pierce
Attorney for Chapter 7 Trustee
316 Fourth Street
P.O. Box 524
Brookings, SD 57006
(605) 692-9415
Fax: 605 692-1433